



ALLEN & OVERY

BY EMAIL

Hon. Katherine B. Forrest
United States District Court
Southern District of New York
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June 28, 2013

Re: SEC v. Fabrice Tourre, Case No. 10-cv-3229 (KBF)

Dear Judge Forrest:

Together with the Law Office of John P. Coffey, we represent Defendant Fabrice Tourre in the above-referenced litigation.

We write further to Your Honor's Order of June 26, 2013 denying Keith Gorman's motion to quash the subpoena for his trial testimony that was validly issued and served on November 19, 2012. This Court expressly held that "[g]iven Mr. Gorman's role at ACA and ACA's role in the core events in this lawsuit, his attendance at trial is in the interests of justice" and held further that the "factors for issuance of a subpoena pursuant to 28 U.S.C. § 1783 have been met." *See* Dkt. No. 361 at 4.

On June 28, 2013, counsel for Mr. Tourre had a telephonic conference with counsel for Mr. Gorman. Counsel for Mr. Tourre confirmed that he would be willing to cover Mr. Gorman's travel costs and the cost of reasonable accommodations, and inquired whether Mr. Gorman would voluntarily appear at trial or if Mr. Tourre would need to proceed with issuance of a subpoena pursuant to 28 U.S.C. Section 1783. Counsel for Mr. Gorman stated that Mr. Gorman had not yet decided whether to appear voluntarily and that they had not yet determined whether they would accept service of a subpoena under 28 U.S.C. Section 1783.

Accordingly, to protect his rights and to ensure that Mr. Gorman appears at trial, Mr. Tourre now respectfully seeks an order directing the issuance of a subpoena pursuant to 28 U.S.C. Section 1783 commanding Mr. Gorman to appear at trial, and an order directing counsel for Mr. Gorman to accept service of the subpoena. We have attached hereto a proposed order and draft subpoena for Your Honor's consideration.

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Respectfully submitted,



Pamela Rogers Chepiga

Encl.

Copies via email (w/ encl.) to:

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